

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 3, 4, 8, 11, 21 and 30 are requested to be canceled.

Claims 1, 6, 7, 9, 12 and 22 are currently being amended.

Claims 5, 10, 14 and 16 are withdrawn.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 5-7, 9, 10, 12-20 and 22-29 (23 claims) are now pending in this application.

Claim Rejections – 35 U.S.C. § 112

On page 2, paragraph 2 of the Office Action, the Examiner has rejected claims 1-4, 6-9 and 11 under 35 U.S.C. § 112 second paragraph stating “The phrase “configured for actuation by a user from a rear portion of the vehicle” in claim 1 renders the claims indefinite. The rear of the vehicle is independent of the seating arrangement and could potentially be on any side of the vehicle seat, depending on which direction the seat is mounted to the vehicle.”

In response, the Applicants submit that paragraphs 0003, 0004 and 0022 of the specification, as originally filed, specifically describes “a rear portion of the vehicle”. In paragraph 0003, the specification states “in applications such as rear or third row seats a vehicle such as a minivan or sport utility vehicle it may be difficult to use for a user at a rear location of the vehicle, such as from a tailgate or lift gate, to reach the top of the seatback”. (emphasis added)

In paragraph 0004 the specification states “a seating system having a positioning system that is conveniently accessible from a tailgate area of a vehicle”. (emphasis added)

In paragraph 0022 the specification states “referring further to Figs 4-6, the second actuator 124 permits a user to position seatback 114 from a rear location of the vehicle. Actuator 124 is located near a lower portion of the seatback 114 so that it is conveniently accessible to a user from the rear of the vehicle (such as through an open tailgate, lift gate, etc)”. (emphasis added)

The Applicants submit that one ordinarily skilled in the art would understand the phrase “configured for actuation by a user from a rear portion of the vehicle” in light of at least the three references cited above. Accordingly, the Applicants believe that no further clarification is necessary in light of the specification language cited above as originally filed. Therefore, the Applicants respectfully request that the Examiner withdraw the rejection of claims 1-4, 6-9, and 11 under 35 U.S.C. § 112, second paragraph.

On page 2, paragraph 3 of the Office Action, the Examiner has rejected claims 3, 4, 6-9 and 11 under 35 U.S.C. § 112, second paragraph stating that claims 3 and 4 recite the limitation “first actuator” and there is insufficient antecedent basis for this limitation in the claims.

The Applicants have canceled claims 2, 3, 4, 8 and 11 and amended independent claim 1 to generally include the limitations from those canceled claims. In the process of amending independent claim 1, the Applicants have clarified that the “first mechanism” phrase originally in dependent claim 2 is the “first actuator” to be more consistent with language in the specification. The Applicants respectfully request that the Examiner withdraw the rejection of claims 3, 4, 6-9 and 11 under 35 U.S.C. § 112, second paragraph.

In paragraph 4, pages 2 and 3 of the Office Action, the Examiner has rejected claim 20 under 35 U.S.C. § 112, second paragraph stating that “depending on which side of the vehicle the seat is to be installed on, the position of the actuators would have to be different in order for them to be adjacent to the side of the vehicle”. In response, the Applicants submit that dependent claim 20 (depends from independent claim 12) specifically points out and

distinctly claims the subject matter which the Applicants regard as the invention. Specifically, the claim states "wherein the first actuator and second actuator are positioned on the seatback adjacent to the side of the vehicle". The Applicants submit that one ordinarily skilled in the art of vehicle seating would understand that the second or third row seats in a van or sport utility vehicle (as described in paragraph 0003 of the specification) and as illustrated in Fig. 5 of the specification as originally filed that the first actuator 123 and the second actuator 124 would be on either the left or right side of the seatback 114 in the corresponding left or right hand seat of the vehicle. The left seat would be adjacent the left side of the vehicle and the right seat would be adjacent the right side of the vehicle. Accordingly, the Applicants do not believe that any further clarification of dependent claim 20 is necessary and respectfully request that the Examiner withdraw the rejection of claim 20 under 35 U.S.C. § 112, second paragraph.

On page 3, paragraph 5 of the Office Action, the Examiner has rejected claim 29 under 35 U.S.C. § 112, second paragraph stating the same reason for rejecting claim 20 as stated above. Claim 29 is dependent from independent claim 22 and the Applicants reiterate their comments with respect to claim 20 as being applicable to claim 29 also. Accordingly, the Applicants respectfully request that the Examiner withdraw the objection of claim 29 under 35 U.S.C. § 112, second paragraph.

The Applicants note that the claim amendments described above are intended to clarify the language used in the amended claims and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicants that the amendments made to the claims in no way impair the ability of the claims of the Applicants to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

Claim Rejections – 35 U.S.C. § 102

Independent Claim 1.

On page 3, paragraph 7 of the Office Action, the Examiner has rejected claims 1-4, 7-9 and 11 under 35 U.S.C. § 102(b) as being anticipated by Benoit, et al (USPN: 6,007,153).

The Examiner states that Benoit discloses a seating system for a vehicle that “further comprises a rotary retraction device (spring 21 acts to bias the handle device and the rotary manner) configured to return the handle device to a stowed position”.

Claim 1 is in independent form and recites “a seating system for a vehicle” comprising, in combination with other elements, “a rotary retraction device including a cord configured to return the handle device to a stowed position”. Claims 6, 7 and 9 depend from independent claim 1, as amended. Claims 5 and 10 were previously withdrawn in response to a restriction requirement. Claims 2, 3, 4, 8 and 11 have been canceled and the limitations from those canceled claims have been incorporated into independent claim 1, as amended.

Benoit does not disclose a “seating system for a vehicle” comprising, among other elements, “a rotary retraction device including a cord configured to return the handle device to a stowed position” as recited in independent claim 1 as amended. The rejection of claim 1 over Benoit is improper. Claim 1 is patentable over Benoit.

The spring 21 as shown in Fig. 4 of Benoit is a linear coil spring attached to a lever arm 19. See col. 6, lines 62-66 and Fig. 4 of Benoit.

In contrast, independent claim 1 requires a rotary retraction device 132 and a cord 134 coupled to the handle 126 of the second actuator 124. See Fig. 4 of the present specification as originally filed and specifically the last 7 lines of paragraph 0022 of the present specification as originally filed. Such mechanism is not taught or suggested by Benoit.

The Applicants respectfully request withdrawal of the rejection of independent claim 1 as amended and dependent claims 6, 7 and 9 which depend from independent claim 1 under 35 U.S.C. § 102(b).

Independent Claim 12.

On page 4, paragraph 8 of the Office Action, the Examiner has rejected claims 12, 13, 15, 17, 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by Benoit, et al (USPN: 6,007,153).

The Examiner states that Benoit discloses a seating system for a vehicle that “further comprises a rotary retraction device (spring 21 acts to bias the handle device and the rotary manner) configured to return the handle device to a stowed position”.

Claim 12 is in independent form and recites “a seating system for a vehicle” comprising, in combination with other elements, wherein the second actuator is returned from a use position to a stowed position by a rotary spring mechanism including a cord”. Claims 13, 15, and 17-20 depend from independent claim 12, as amended. Claims 14 and 16 were previously withdrawn in response to a restriction requirement. Claim 21 has been canceled and the limitations from the canceled claim has been incorporated into independent claim 12, as amended.

Benoit does not identically disclose a “seating system for a vehicle” comprising, among other elements, “wherein the second actuator is returned from a use position to a stowed position by a rotary spring mechanism including a cord” as recited in independent claim 12 as amended. The rejection of claim 12 over Benoit is improper. Claim 12 is patentable over Benoit.

The spring 21 as shown in Fig. 4 of Benoit is a linear coil spring attached to a lever arm 19. See col. 6, lines 62-66 and Fig. 4 of Benoit.

In contrast, independent claim 1 requires a rotary retraction device 132 and a cord 134 coupled to the handle 126 of the second actuator 124. See Fig. 4 of the present specification as originally filed and specifically the last 7 lines of paragraph 0022 of the present specification as originally filed. Such mechanism is not taught or suggested by Benoit.

The Applicants respectfully request withdrawal of the rejection of independent claim 12 as amended and dependent claims 13, 15, and 17-20 which depend from independent claim 12 under 35 U.S.C. § 102(b).

Independent Claim 22.

On page 5, paragraph 9 of the Office Action, the Examiner has rejected claims 22, 23, 25 and 27-30 under 35 U.S.C. § 102(b) as being anticipated by Benoit, et al (USPN: 6,007,153).

The Examiner states that Benoit discloses a seating system for a vehicle that “further comprises a rotary retraction device (spring 21 acts to bias the handle device and the rotary manner) configured to return the handle device to a stowed position”.

Claim 22 is in independent form and recites “a seating system for a vehicle” comprising, in combination with other elements, wherein at least one of the first actuator and the second actuator are provided in a recess of a back panel of the seat back and are extendable from the recess and retractable to the recess by a rotary spring device having a retractable cord”. Claims 23-29 depend from independent claim 22, as amended. Claim 30 has been canceled and the limitations from that canceled claim has been incorporated into independent claim 22, as amended.

Benoit does not identically disclose a “seating system for a vehicle” comprising, among other elements, “wherein at least one of the first actuator and the second actuator are provided in a recess of a back panel of the seat back and are extendable from the recess and retractable to the recess by a rotary spring device having a retractable cord” as recited in independent claim 22 as amended. The rejection of claim 22 over Benoit is improper. Claim 22 is patentable over Benoit.

The spring 21 as shown in Fig. 4 of Benoit is a linear coil spring attached to a leather arm 19. See col. 6, lines 62-66 and Fig. 4 of Benoit.

In contrast, independent claim 1 requires a rotary retraction device 132 and a cord 134 coupled to the handle 126 of the second actuator 124. See Fig. 4 of the present specification as originally filed and specifically the last 7 lines of paragraph 0022 of the present specification as originally filed. Such mechanism is not suggested or taught by Benoit.

The Applicants respectfully request withdrawal of the rejection of independent claim 22 as amended and dependent claims 23-29 which depend from independent claim 22 under 35 U.S.C. § 102(b).

Claim Rejection 35 U.S.C. § 103

On page 6, paragraph 11 of the Office Action, the Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Benoit, et al as applied to claim 3 above in view of Chang (USPN: 5,433,547).

Claim 6, as amended, depends from independent claim 1, as amended. Since the Applicants believe that claim 1 is patentable over Benoit, then dependent claim 6 is also patentable. See 35 U.S.C. § 112, paragraph four.

On page 6, paragraph 12 of the Office Action, the Examiner has rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Benoit, et al as applied to claim 12 above in view of Kargilis, et al (USPN: 5,570,931).

Claim 18, is dependent on independent claim 12, as amended. Since the Applicants believe that independent claim 12, as amended, is patentable over Benoit, dependent claim 18 is also patentable. See 35 U.S.C. § 112, paragraph four.

On page 7, paragraph 13, the Examiner has rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Benoit, et al as applied to claim 12 above in view of Chang (USPN: 5,433,507).

Claim 19, depends from independent claim 12, as amended. Since the Applicants believe that independent claim 12 is patentable over Benoit, dependent claim 19 is also patentable. See 35 U.S.C. § 112, paragraph four.

The Applicants respectfully request that the Examiner withdraw the rejection of claims 6, 18 and 19 under 35 U.S.C. § 103(a) in light of the comments above.

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The Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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